

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

LES OSBORNE
Assistant U.S. Attorney
Room 6-100, PJKK Federal Building
300 Ala Moana Blvd.
Honolulu, Hawaii 96850-6100
Telephone: (808) 541-2850
Facsimile: (808) 541-2958

Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 1:05-00373 DAE
Plaintiff,)	
vs.)	
LESLIE A. KAKINAMI,)	DECLARATION OF KAREN
Defendant.)	CRAIGHEAD, FEDERAL BUREAU OF
)	PRISONS, U.S. DEPARTMENT OF
)	JUSTICE

I, KAREN CRAIGHEAD, declare and state the following:

1. I am employed by the United States Department of Justice, Federal Bureau of Prisons (BOP), as an Operations Manager for the Designation and Sentence Computation Center (DSCC) in Grand Prairie, Texas. The DSCC is the newly centralized location where the designation and sentence computation functions for the BOP are now performed. I have been employed by the BOP for 14 years, worked in the area of inmate sentence computations for 10 years, and have been assigned to the DSCC since November 2005. In addition to my supervisory duties, my job responsibilities include initial inmate classifications and designations of defendants sentenced by federal judges; ensuring the legality and duration of

1 confinement for commitments to the custody of the Attorney
2 General; providing final administrative review for the
3 interpretation and classification of court orders relating to
4 commitment and the related computation of release dates; and
5 acting as a BOP liaison with the United States Marshals Service
6 (USMS), the courts, the Federal Bureau of Investigation and many
7 other federal, state and local law enforcement agencies.

8 2. I am familiar with BOP record-keeping systems, I have
9 access to such records, and as part of my duties, I provide BOP
10 designation and sentence computation assistance to the United
11 States Attorney's Offices.

12 3. In this case, I am aware that Ms. Kakinami is
13 incarcerated at the Hawaii State Women's Correctional Center in
14 Kailua, Hawaii, and has filed a motion requesting the BOP
15 immediately take her into federal custody.

16 4. In evaluating Ms. Kakinami's claim I reviewed the
17 documents provided to me by BOP Legal Counsel, to include: a copy
18 of the habeas petition, a copy of Ms. Kakinami's Federal
19 Presentence Investigation Report and Judgment and Commitment Order
20 for Case No. 05-CR-373 (D. Haw.); Ms. Kakinami's State Judgment
21 and Commitment Order from Case No. 05-1-1736 (Hawaii First Circuit
22 Court); Hawaii First Circuit Court Supplemental Sentencing Order
23 dated November 30, 2006; and USMS Prisoner Tracking Records.

24 5. Based on my review of the records, it is my
25 professional opinion that Ms. Kakinami is in the primary custodial
26 jurisdiction of the State of Hawaii and the Federal Bureau of
27 Prisons does not have the authority or jurisdiction to accept
28 Ms. Kakinami into BOP custody to begin the service of her federal
sentence at this time.

1 6. On August 12, 2005, Ms. Kakinami was arrested by Hawaii
2 State authorities. On October 6, 2006, Ms. Kakinami was borrowed
3 from state custody pursuant to a federal writ for prosecution of
4 her federal charges. See Ms. Kakinami's Federal Presentence
5 Investigation Report for Case No. 05-CR-373 (D. Haw.). She was
6 sentenced to a total of 69 months by the United States District
7 Court for the District of Hawaii for three counts of Bank Fraud
8 and one count of Aggravated Identity Theft in violation of 18
9 U.S.C. §1344 & 1349; 18 U.S.C. §1028A, respectively. See Federal
10 Judgment and Commitment Order from 05-CR-373 (D. Haw.).

11 7. On August 22, 2006, Ms. Kakinami was returned to state
12 custody and a federal detainer was lodged by the USMS. On
13 August 28, 2006, she was sentenced to a 10 year term of
14 imprisonment by the State of Hawaii First Circuit Court for
15 Forgery in the 2nd Degree, Theft in the 2nd Degree, and Identity
16 Theft in the 2nd Degree in violation of HAW. REV. STAT. §708-0852,
17 §708-0831(1b) and §708-0839.7, respectively. See Hawaii Judgment
18 and Commitment Order from 05-1-1736 (Hawaii First Circuit Court).

19 8. In some instances, the BOP will accept state inmates
20 awaiting service of a federal sentence if the state authorities
21 relinquish primary jurisdiction by means such as parole, bail,
22 conviction dismissal, by satisfaction of sentence, or by the state
23 granting the defendant time-served. It is my opinion that the
24 Hawaii First Circuit Court's Supplemental Sentencing Order dated
25 November 30, 2006, did not have the effect of releasing
26 Ms. Kakinami from the primary jurisdiction of the Hawaii state
27 authorities.

28 9. Based on my overall review of the records, Ms. Kakinami's
federal sentence will commence upon completion of her state

1 sentence or if the state later relinquishes primary jurisdiction.

2 I declare under the penalty of perjury that the foregoing is true
3 and correct to the best of my information, knowledge and belief.

4 Executed this Twenty-Seventh day of February 2007, at Grand
5 Prairie, Texas.

6 
7

8 KAREN CRAIGHEAD
9 Operations Manager
10 Designation and Sentence Computation Center
11 Federal Bureau of Prisons
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28